

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

MARK HALPER,

Plaintiff,

v.

SONY/ATV MUSIC
PUBLISHING, LLC, *et al.*,

Defendants.

Case No. 3:16-cv-00567

Hon. George Caram Steeh
Hon. Jeffrey S. Frensley

ORDER ADOPTING REPORT AND RECOMMENDATION
AND GRANTING DEFENDANTS' MOTION TO DISMISS

This matter comes before the court upon Magistrate Judge Jeffery S. Frensley's report and recommendation, to which Plaintiff has filed timely objections. (Docs. 92-95) Magistrate Judge Frensley recommends that the court dismiss Defendants Stellar Songs Limited ("Stellar"), Salli Isaak Songs Limited ("Salli"), and Method Records Live LTD ("Method") from this action for lack of personal jurisdiction.

With respect to reports and recommendations from magistrate judges, this court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C). The court "may accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate." *Id.*

The magistrate judge found that the court lacks general or specific personal jurisdiction over Stellar, Salli, or Method because they are foreign companies that have no contacts with Tennessee. Plaintiff does not dispute the only relevant considerations

here – that these defendants lack contacts with Tennessee and that the court lacks personal jurisdiction over them. Rather, Plaintiff argues that a default judgment should have been entered against these defendants. Without personal jurisdiction over the defendants, however, any default judgment entered would not be valid. “Without personal jurisdiction ‘the court is powerless to proceed to an adjudication.’” *Days Inns Worldwide, Inc. v. Patel*, 445 F.3d 899, 903 (6th Cir. 2006) (citation omitted).

The court agrees with the magistrate judge’s analysis that the court lacks personal jurisdiction over Stellar, Salli, and Method.

Accordingly, IT IS HEREBY ORDERED that Magistrate Judge Frensley’s report and recommendation (Doc. 92) is ACCEPTED and ADOPTED as an order of the court.

IT IS FURTHER ORDERED that Plaintiff’s objections (Docs. 93-95) are OVERRULED, Defendants’ motion to dismiss (Doc. 55) is GRANTED, and Defendants Stellar, Salli, and Method are DISMISSED from this action.

Dated: August 17, 2018

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE